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COMMISSION ON HUMAN RIGHTS
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Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[30 July 1992]

STATE OF EMERGENCY AND APARTHEID IN KOSOVA

1. The International Federation of Human Rights (IFHR) and its affiliate in Kosova, the Council for the Defence of Human Rights and Freedoms, have continuously informed the Sub-Commission in the past years about the situation of massive and systematic human rights violations in Kosova. Our organizations wish to draw the attention of this Sub-Commission at its forty-fourth session, to the state of apartheid which has resulted from this situation through the adoption and implementation of emergency laws.

2. In former Yugoslavia, Kosova has been treated as a special zone, with the excuse that it has always been a permanent danger for the social and political order of that particular country. The justification given for this kind of treatment of Kosova, consists in the fact that 90 per cent of the inhabitants are of Albanian origin and non-Slavic. In this way, it is purveyed to the domestic and foreign public opinion that Albanians are a "destabilizing factor", and thus a point of view has prevailed that only through special treatment and repressive measures can the Albanians be "calmed down". Thus the Albanians have been discriminated against, especially in the past decade.

3. Since 1981, the state of emergency has been declared four times in Kosova. This state of emergency was, three times in a row, at different periods of time, declared by the Presidency of the Socialist Federal Republic of Yugoslavia. During the application of special measures while the state of emergency was in effect, and curfews were implemented, many Albanians were arrested (mainly intellectuals). Without any prior trial or legal aid, these were held in prison several months in so-called "isolation". In 1989 alone, 237 Albanians were isolated, for up to 4 months. During "isolation" they were tortured physically and mentally, and suffered serious wounds.

4. During states of emergency, many Albanians have been sentenced for so-called "misdemeanors with political elements" and for political crimes. According to the evidence that is in the possession of IFHR and the Council, during the period from 1981 to 1989 alone, 10,982 Albanians have been sentenced to 60 days in prison, while in the past 3 years, this number has considerably increased. On the other hand, 2,500 Albanians have been sentenced from 1 to 20 years of imprisonment by civilian and military courts for political crimes. Albanians as a collectivity have been denied the right to freedom of movement, freedom of speech, freedom to assemble or in any other way to express their political will, during the states of emergency.

5. The last time the state of emergency was declared by the Presidency of former Yugoslavia happened on 27 February 1989. At that time, the miners of the "Trepça mines" were hunger-striking on the 8th and 9th horizons of the mines, protesting against the preparations which Serbia was making for the change of the constitutional position of Kosova, abolishing the autonomy of Kosova as a federal unit of the Yugoslav federation. This was contrary to the federal Constitution which was then in force. During this state of emergency, while the Kosova Parliamentary session regarding the constitutional amendments to the Constitution of Serbia was going on, the Kosova Parliament building was surrounded by strong police forces and military tanks. This is the reason why the people named this constitution the "Constitution of Tanks". After the constitutional amendments were approved, and after the essential degradation of the autonomy of Kosova took place, the state of emergency in Kosova was abolished.

6. The last time the state of emergency was installed in Kosova, and which is still going on, without any time limitation, was declared by the Parliament of Serbia on 26 June 1990. Serbia, as a federal unit, according to the Constitution of Serbia, did not have the competence to declare the state of

emergency because Kosova, also, was a federal unit of the Yugoslav Federation, and the application of the state of emergency was within the exclusive competence of the Presidency of Yugoslavia. Also, by declaring the state of emergency, Serbia has made the discussion about the issue of human rights and freedoms of Albanians impossible to develop, because the Albanians of Kosova have been "outlawed" on the basis of the state of emergency laws, and a state of apartheid, with institutionalized forms of national discrimination, has been established. Some of these discriminatory programmes and laws, that are being applied in Kosova at the present time, are the following:

(a) The "programme of colonization of Kosova and the settlement of Serbs and Montenegrians from other parts of Yugoslavia in Kosova", with many benefits offered by the Serbian Government, published in the "Official Gazette of the Socialist Republic of Serbia" No. 19/90, on 30 March 1990.

(b) The "law on the functions of the republican organs in special circumstances", published in the "Official Gazette of the Socialist Republic of Serbia", No. 30/90 on 26 June 1990, which practically enforces the state of emergency for an unlimited period of time. This law was approved on the same day the Parliament of Serbia, by a special decision, declared the state of emergency in Kosova. According to this law, all the competences of the governmental organs in Kosova were transferred to the governmental organs of the Government of Serbia.

(c) The "law on the suspension of the Assembly (Parliament) of Kosova, its Executive Council (Government) and the destitution of the functionairies of the administrative organs", published in the "Official Gazette of the Socialist Republic of Serbia" No. 33/90, on 5 July 1990. This law enables the Parliament of one federal unit (Serbia) to suspend and abolish the Parliament of another federal unit (Kosova), which was contrary to the Constitution of Yugoslavia which was then in force, and which was also contrary to the Constitution of Serbia.

(d) The "special circumstances labour law", published in the "Official Gazette of the Socialist Republic of Serbia" No. 40/90, on 26 July 1990, which is applied only in Kosova, and by which Albanian workers are discriminated against only because of their national appertainance. Based on this law, over 100,000 Albanians have been dismissed from their jobs, according to statistics gathered by our organizations.

(e) The "law on the official use of languages and scripts", published in the "Official Gazette of the Socialist Republic of Serbia" No. 45/91 on 27 June 1991, by which the Albanian language is openly excluded from official use.

(f) The "law on the restriction of purchase of real estate", published in the "Official Gazette of the Socialist Republic of Serbia" No. 22/91 on 18 April 1991, which is being applied only to Kosova, and whose nominative part prohibits Albanians from buying or selling any real estate.

(g) The "law on the suspension of the functions of the Presidency of Kosova", published in the "Official Gazette of the Socialist Republic of Serbia" No. 15/91 on 16 March 1991, which is also contrary to the Constitutuion, because the Presidency of Kosova can be discharged only by the Parliament of Kosova.

7. According to information in our possession, the application of these laws in practice, in a permanent state of emergency whereby the Albanians of Kosova are deprived of any legal aid or protection, has caused the following:

- The murder of 110 Albanians by the Serbian police;

- The wounding of over 600 Albanians by firearms;

- The beating of thousands of Albanian citizens by the police with mechanical means, which have caused them permanent physical damage;

- The search (raiding) of houses, offices and apartments of thousands of Albanians throughout Kosova;

- The surrounding of whole villages, town quarters and neighbourhoods by armoured cars and large police forces, and the robbery of goods and foreign currencies;

- The so-called "informative talks" (arrests and interrogations) of thousands of Albanians, especially activists of political parties and the Union of Independent Trade Unions and respected intellectuals, by which these underwent brutal physical and mental tortures;

- The prohibition of any public manifestation, even the celebration of marriage fetes;

- The destruction of the economic basis of Kosova by the implementation of "emergency measures" (forceful administrative measures) in every economic enterprise, or cultural, scientific, health, social or informative institution, by which all Albanian managing staff have been dismissed and replaced by Serbs and Montenegrians;

- The closing down of all faculties (colleges) of the University of Prishtina for lectures in Albanian, and the shutting down of all high schools in Kosova;

- The stoppage of the wages of all elementary and high school teachers, as well as the cessation of financing of all cultural, scientific, publishing and informative institutions, including the Academy of Arts and Sciences of Kosova, the Albanalogical Institute, the Institute of History, "Rilindja" newspaper, etc.;

- The discharge of 240 Albanian judges, prosecutors and public attorneys, and their replacement by Serbs and Montenegrians;

- The discharge of all Albanians in all organs of local Government (municipal parliaments and governments) in every municipality of Kosova and the taking over of the local governments by Serbian and Montenegrian functionaries;

- The shutdown of the Prishtina Radio and Televison Networks (Albanian language broadcasts), all local radio stations in Kosova, and the daily newspaper "Rilindja".

8. These are the reasons why, as the state of emergency in Kosova continues, the question of the rights and freedoms of the Kosova Albanians (rights and freedoms guaranteed by international norms) cannot be discussed. The International Federation of Human Rights and the Council for the Defence of Human Rights and Freedoms, once again urges the Sub-Commission to react to this situation.